

## Chapter 951 PAWNBROKERS AND DEALERS IN SECONDHAND GOODS\*

**\*Cross references:** Junk dealers and peddlers, ch. 903; transient merchants, ch. 986.

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**ARTICLE III. SECONDHAND MOTOR VEHICLE DEALERS\***

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**\*Editor's note:** G.O. 51, 2001, § 1, adopted June 4, 2001, states that G.O. 138, 1996, is amended by the deletion of the expiration date of July 1, 2001, as provided in section 16 thereof. It is the intent of this ordinance that the provisions of G.O. 138, 1996, which amended the "Municipal Code of Indianapolis and Marion County, Indiana" and the "Revised Code of the Consolidated City and County" shall not expire, but shall remain in full force and effect, and as they may have been amended, renumbered, or recodified since the effective date thereof.

**Cross references:** Motor vehicles, ch. 611.

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**Sec. 951-301. Registration required; fee.**

(a) It shall be unlawful to engage in the business of purchasing, selling, trading, exchanging or dismantling for resale any secondhand motor vehicle or to deal in any used parts for a motor vehicle or to maintain a location used for any such purpose, without first being registered therefor with the controller.

(b) The annual fee for registration of a secondhand motor vehicle business shall be twenty dollars (\$20.00).

(G.O. 138, 1996, § 8; G.O. 87, 2004, § 13)

Sec. 951-302. Reserved.

**Editor's note:** G.O. 183, 1997, § 26, passed Nov. 10, 1997, repealed § 951-302, which pertained to registration information required and derived from G.O. 138, 1996, § 8.

**Sec. 951-303. Registration term; renewal.**

Registrations of secondhand motor vehicle dealers shall be valid for a period of one (1) year, and shall be renewed automatically by the controller and without application for renewal by the registrant, unless at the time of renewal:

- (1) The registration has been revoked or suspended;
- (2) The registration is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings; or
- (3) The registrant has not paid the registration fee for the following year.

(G.O. 138, 1996, § 8; G.O. 87, 2004, § 14)

**Sec. 951-304. Transferability of registration.**

No registration under this chapter shall be transferable.

(G.O. 138, 1996, § 8)

**Sec. 951-305. Required record; contents.**

(a) Every registrant under this chapter shall keep a book in which shall be legibly written in ink at the time of each transaction relating to the purchase, sale, exchange or barter of any secondhand or used motor vehicle, part or accessory, an accurate description in the English language of the motor vehicle, part or accessory, giving, in case of a motor vehicle, its state license number; its motor, body, axle, coil, starter, carburetor, magneto, steering gear, radiator and manufacturer's several numbers; and any other serial numbers and any other peculiar mark of identification whatsoever; its name and that of its manufacturer; the seating capacity, color, style and general purpose; and giving, in case of parts and accessories, their general description, purpose, size, make, number and manufacturer, if possible; in the case of a purchase or sale by the dealer of any such motor vehicle, parts or accessories, the amount of money paid and the medium of payment, and, in case of exchange or barter of any such motor vehicle, parts or accessories, a description of the thing exchanged or bartered; the name, residence, age, color, height, weight, complexion, style of beard, visible distinguishing marks and style of dress of the person with whom the dealer effected the purchase, sale, exchange or barter; and a similar description of any person accompanying the seller or barterer at the time of the transaction.

(b) Each registrant under this chapter shall keep a copy of the records required by subsection (a) available for inspection at any time by the chief of police or any member of the city, county or state police.

(c) The records required by this section shall be kept in such form as is required by the controller.

(G.O. 138, 1996, § 8)

**Sec. 951-306. Mutilated numbers.**

Every registrant under this chapter who discovers that an identification number has been altered, defaced or mutilated on any motor vehicle, part or accessory shall immediately notify the chief of police of that fact.

(G.O. 138, 1996, § 8)

**Sec. 951-307. Unlawful acquisitions.**

It shall be unlawful for any registrant under this chapter to receive any property from any person whom he knows or has reason to suspect may have unlawfully acquired possession of the property, or when any of the identification numbers thereon have been altered, defaced or removed. No property shall be obtained from any person who is intoxicated or who is a minor.

(G.O. 138, 1996, § 8)

**Sec. 951-308. Retention of acquired property.**

All property received by a registrant under this chapter shall be held intact by the registrant for at least seven (7) days. Whenever any registrant receives written notice, either from the police department or from an individual, that someone is maintaining a claim of right to possession of the property adverse to the registrant, the registrant shall keep the property in his possession or turn it over to the police if so required by the chief of police. Once notice of an adverse claim to property has been given under this section, the

property shall be held for a period of twenty (20) days, during which legal proceedings may be commenced to determine who is entitled to the property. If the matter is not settled or legal proceedings have not been commenced within twenty (20) days, the property shall be returned to the registrant by the police if held by them, and the registrant may dispose of the property as he sees fit.

(G.O. 138, 1996, § 8)

**Chapter 886 FIRE EXTINGUISHER SERVICE COMPANIES\***

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**\*Editor's note:** G.O. 51, 2001, § 2, adopted June 4, 2001, 183, 1997, states that G.O. 183, 1997, is amended by the deletion of the expiration date of July 1, 2002, as provided in section 29 thereof. It is the intent of this ordinance that the provisions of G.O. 183, 1997, which amended the "Municipal Code of Indianapolis and Marion County, Indiana" and the "Revised Code of the Consolidated City and County" shall not expire, but shall remain in full force and effect, and as they may have been amended, renumbered, or recodified since the effective date thereof.

**Cross references:** Fees, ch. 131; Indianapolis Fire Department, ch. 252; fire prevention and protection, ch. 591; fire extinguishing equipment, § 591-401 et seq.; general provisions regarding licenses, ch. 801.

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Sec. 886-1. Purpose.

Sec. 886-2. Activities exempt from the application of this chapter.

Sec. 886-3. Administration of this chapter.

Sec. 886-4. Persons servicing fire extinguishers; license required.

Sec. 886-5. Portable fire extinguishers which may be sold or leased.

Sec. 886-6. Service record to be maintained on extinguishers.

Sec. 886-7. Powers and duties of the controller and fire prevention bureaus under this chapter.

Sec. 886-8. Fees.

**Sec. 886-1. Purpose.**

The purpose of this chapter is to regulate the sale, lease and service of portable fire extinguishers in the interest of safeguarding lives and property.

(G.O. 183, 1997, § 8)

**Sec. 886-2. Activities exempt from the application of this chapter.**

The activity of filling or charging a portable fire extinguisher prior to its initial sale by its manufacturer shall not be subject to this chapter. In addition, the licensing provisions of this chapter shall not apply to a firm which services only its own portable fire extinguishers for use only by its own employees by maintaining its own fire extinguisher servicing facilities adequate for the purpose and utilizing its own personnel specially trained for such servicing.

(G.O. 183, 1997, § 8)

**Sec. 886-3. Administration of this chapter.**

The administration of this chapter is vested in the fire prevention bureaus of the city fire department and the township fire departments located in the county, and the controller which shall have the power to promulgate the proper rules and regulations to administer this chapter.

(G.O. 183, 1997, § 8)

**Sec. 886-4. Persons servicing fire extinguishers; license required.**

- (a) It shall be unlawful for a person to engage in the business of servicing portable fire extinguishers in the county without first having obtained a license therefor from the controller.
- (b) It shall be unlawful for an employee of a firm engaged in the business of servicing portable fire extinguishers to service portable extinguishers in the county without first having obtained a license therefor from the controller.
- (c) Each firm performing hydrostatic testing of portable fire extinguishers manufactured in accordance with the specifications of the National Fire Prevention Association shall do so in accordance with the procedures specified by such for compressed gas cylinders. Each person qualified to perform such hydrostatic testing shall present a hydrostatic testing certificate to the controller, who then shall note the person's authority on his or her fire extinguisher service license.
- (d) It shall be unlawful for a person to service or sell portable fire extinguishers contrary to the provisions of this chapter or the rules and regulations formulated and administered under the authority of this chapter.

(G.O. 183, 1997, § 8)

#### **Sec. 886-5. Portable fire extinguishers which may be sold or leased.**

No portable fire extinguisher shall be sold or leased for commercial usage in the county unless it is approved, labeled and listed by a testing laboratory which is approved by the bureau and qualified to test portable fire extinguishers.

(G.O. 183, 1997, § 8)

#### **Sec. 886-6. Service record to be maintained on extinguishers.**

Each person who services a portable fire extinguisher in the county shall upon completion affix to the extinguisher a durable tag or label which bears such person's name and license number, the date of the service, and any additional information which the controller by regulation may require. Failure to comply with the provisions of this section shall constitute a violation of the Code.

(G.O. 183, 1997, § 8)

#### **Sec. 886-7. Powers and duties of the controller and fire prevention bureaus under this chapter.**

- (a) The fire prevention bureaus shall:
  - (1) Evaluate the qualifications of firms or individuals for licensing to engage in the business of servicing fire extinguishers; and
  - (2) Conduct examinations to ascertain the qualifications and fitness of applicants for a license to service fire extinguishers.
- (b) The controller shall not issue or renew a license under this chapter to an applicant or licensee who has not passed the examination given by the fire prevention bureaus. Upon any substantial revision of the examination, each licensee shall be required to pass the revised examination prior to having his or her license renewed.

(G.O. 183, 1997, § 8)

**Sec. 886-8. Fees.**

The original and annual renewal fee for any license issued under the provisions of this chapter and the rules and regulations formulated and administered under the authority of this chapter shall be twenty-five dollars (\$25.00).

(G.O. 183, 1997, § 8)